

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**WILLIAM McGREW, #10102,
Petitioner,**

v.

**DAVID DUKE, Wichita County Sheriff,
Respondent.**

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3:11-CV-3559-M (BK)

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

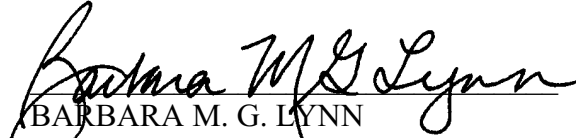
The United States Magistrate Judge made Findings, Conclusions and a Recommendation in this case. The Petitioner filed a statement of “objections” on February 7, 2012, with no description of any specific objection. The District Court has made a *de novo* review of the proposed Findings and Recommendation. The objection is overruled, and the Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge; however, the Court notes that since the date of the Findings and Recommendation, Petitioner has been moved to a jail.

Because the Court construed the habeas petition as one under 28 U.S.C. § 2241, Petitioner is not required to obtain a certificate of appealability to proceed on appeal. *Padilla v. United States*, 416 F.3d 424, 425 (5th Cir. 2005) (*per curiam*). However, the Court **CERTIFIES** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the Court adopts and incorporates by reference the Magistrate Judge’s Findings, Conclusions and Recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the Findings and Recommendation, the Court finds that any appeal of this

action would present no legal point of arguable merit and would, therefore, be frivolous.

Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983).

SO ORDERED this 17th day of February, 2012.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS